THE HONOURABLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION No. 21717 of 2007

DATED: 11-10-2007

Between:

Smt S.Varalakshmi Nancharamma

…Petitioner

and

The Principal Secretary (Revenue) Department,
Govt. of A.P.,
Hyderabad and others.

…Respondents

THE HONOURABLE SRI JUSTICE GODA RAGHURAM

W.P.No. 21717 of 2007

Oral order:

Heard the learned Government Pleader for Revenue for respondents 1 and 2, Sri S.Nageshwar Reddy for the 3rd respondent, the learned Government Pleader for R & B for the 4th respondent and Sri S.S.Verma, the learned Central Government standing counsel for the 5th respondent.

The petitioner has filed the writ petition apprehending dispossession from her property bearing Door No.25/277, Machilipatnam, Krishna District for widening of the main road i.e., from Kennedy Road and Fort Road in Machilipatnam Municipality and demolition of her property by the respondents in particular respondents 1, 3 and 5, respondents 1 and 2 acting on behalf of the beneficiaries of the 5th respondent which intends to widen the road. According to the petitioner, the respondents 2 and 3 have conducted meetings for acquiring properties for the road widening purpose and at the meeting they stated that compensation will be paid if the road is widened to 80 feet and even so no compensation will be paid for the buildings and land. It is alleged that the respondents had threatened that if the owners fail to give consent, no compensation will be paid and they would demolish the structures for widening the road up to 120 feet. The petitioner apprehends unauthorized dispossession and demolition of the structures in transgression of the due process of law.

On behalf of the respondents Sri S.Nageshwar Reddy and

Sri S.S.Verma concede the legal position that no acquisition can be made and no dispossession of the petitioner of her property done without following the due process of law. These counsel also concede the position that any demolition of the structures in private properties including of petitioner would lay open the concerned officials to serious disciplinary proceedings for violating the law of the land and on behalf of the respondents, learned counsel also concede that the respondents will not and cannot acquire private properties even for widening of the road without following the due process of law.

In the light of the above submission and the concession on law made by the learned counsel for the respondents, the petitioner need have no apprehension as to unlawful demolition of the structures in the property by the respondents.

Recording the submission, the writ petition is disposed of. There shall be no order as to costs.

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GODA RAGHURAM, J

11-10-2007
Note:
Issue copy as soon as possible
/B.O/
GRR